



The Latino Institute, Inc.

Chairman Julius Genachowski
Commissioner Meredith Attwell Baker
Commissioner Mignon Clyburn
Commissioner Michael J. Copps
Commissioner Robert M. McDowell

Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: GN Docket No. 09-191

January 11, 2010

Dear Chairman Genachowski and Commissioners:

The Latino Institute would like to voice its concern in the matter of the Commission's Open Internet Notice of Proposed Rulemaking, particularly with regard to its impact on deployment to under-served populations.

The Latino Institute is a private, non-profit, charitable organization committed to improving the lives of individuals in the Latino community. Our mission is to serve as a bridge between the Latino community, and the educational, cultural, governmental, social and economic institutions of society by providing information on barriers and challenges affecting the well-being of that community and by developing, recommending, and advocating solutions and actions which may serve as a catalyst for change.

In December, the Pew Research Center released a report, "Latinos Online, 2006-2008" studying internet penetration in the Latino community. From 2006 to 2008, the number of Hispanics with a home broadband connection increased from 63% to 76 %. Furthermore, Hispanics outpace other demographics in their use of wireless devices to connect to the Internet – 62% compared to 52% (White, non-Hispanic) and 59% (Black, non-Hispanic). These trends are positive steps in our nation's efforts to bridge the digital divide. However, much work remains to be done. In New Jersey, 16.3% of the population is of Hispanic or Latino descent, and only 57.1% of the entire population has access to high speed broadband.

The Latino Institute's particular interest is educational achievement for Latinos throughout the educational continuum and the promotion of Latino culture in America. We believe, as many reasonable people believe, that education achievement is the key to success in life. The education community has greatly benefitted from advances in broadband. From enabling students to take courses online to exposing them to media-rich curriculum, broadband is transforming our education system.

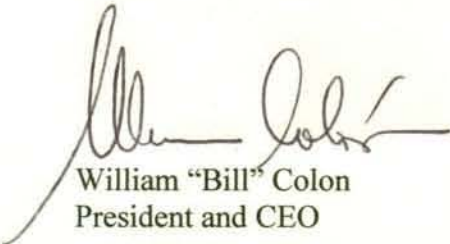
Beyond broadband, increases in wireless usage have also given parents, students and teachers a new medium for communication and a new method for teaching. Teachers now use cell phones to administer quizzes and gauge comprehension in the classroom. Parents and teachers are using email and texts to keep in contact and more easily monitor their students' progress.

While these are positive developments, we are apprehensive that the Commission's focus on the Open Internet proceedings will detract from the important goals of increasing broadband deployment and encouraging innovative uses of the technology in the areas of education, civic engagement and healthcare, to name a few.

Affordability is one of the largest factors in increasing broadband adoption according to a study by former Clinton Administration economist Robert Shapiro and AEI economist Kevin Hassett. Net neutrality restrictions could limit flexibility in pricing models and force lower bandwidth users to subsidize the cost of a small percentage of high-bandwidth users. Additionally, Hispanics are one the largest groups of wireless users and many rely on it as their sole method of communication. Applying net neutrality regulations to wireless would constrict the networks' ability to manage traffic intelligently, and as a result, it could further disadvantage an already underserved population.

The Latino Institute respectfully requests the Commission to focus on policies that foster advancement and abstain from enacting policies that could result in disenfranchisement.

Sincerely,



William "Bill" Colon
President and CEO